

PROVIDENCE CITY COUNCIL MEETING AGENDA
November 17, 2015 6:00 p.m.
15 South Main, Providence UT

The Providence City Council will begin discussing the following agenda items at 6:00 p.m. Anyone interested is invited to attend.

Call to Order: Mayor Calderwood

Roll Call of City Council Members: Mayor Calderwood

Pledge of Allegiance:

2015 Municipal Election Canvass: The Providence City Council, acting as the Board of Canvassers, will canvass the votes of the 2015 Municipal Election.

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes of October 27, 2015 City Council meeting.

Public Comments: Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

Business Items:

Item No. 1. Discussion: Representatives from Utah State University will discuss a research study to assess community experiences with water resource issues and local capacities to adapt to changes in the water system in the future.

Item No. 2. Resolution 043-2015: The Providence City Council will consider for adoption a resolution accepting for further consideration an annexation petition filed by Members First Credit Union for a 1.13 acre parcel of property located at approximately 65 North HWY165, Parcel No. 02-088-0018.

Item No. 3. Resolution 044-2015: The Providence City Council will consider for adoption a resolution accepting for further consideration an annexation petition filed by Cache County for a 0.77 acre parcel of land commonly known as 500 North in Providence City, or 800 South in Cache County, running east of 300 East.

Item No. 4. Resolution 045-2015: The Providence City Council will consider for adoption a resolution adopting the 2015 Pre-Disaster Mitigation Plan: Bear River Region.

Item No. 4. Ordinance 2015-020: The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 10 Zoning Regulations, Chapter 8 Area Regulations and Parking Requirements, Section 3 Setbacks allowing a covered porch to extend into the front yard setback

Staff Reports: Items presented by Providence City Staff will be presented as information only.

Council Reports: Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

Executive Session Notice:

The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as allowed by Utah Code 52-4-205(1)(c).

The Providence City Council may enter into a closed session to discuss professional competence or other factors allowed by Utah Code 52-4-205(1)(a)

The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

Agenda posted the 10 day of November 2015.

Providence City Council Agenda

Tuesday, November 17, 2015



Skarlet Bankhead
City Recorder

If you are disabled and/or need assistance to attend council meeting, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Pursuant to Utah Code 52-4-207 Electronic Meetings – Authorization – Requirements the following notice is hereby given:

- Providence City Ordinance Modification 015-2006, adopted 11/14/2006, allows City Council member(s) to attend by teleconference.
- The anchor location for this meeting is: Providence City Office Building, 15 South Main, Providence, UT.
- Member(s) will be connected to the electronic meeting by teleconference.

PROVIDENCE CITY COUNCIL MEETING MINUTES

October 27, 2015 6:00 p.m.

15 South Main, Providence UT

Call to Order: Mayor Calderwood
Roll Call of City Council Members: Mayor Calderwood
Attendance: Bill Bagley, Jeff Baldwin, Ralph Call, John Drew, John Russell
Pledge of Allegiance: Dallin Davis, Scout Troop No. 374

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes of September 15, 2015 City Council meeting.

Motion to approve the minutes of September 15, 2015: J Russell, second – J Drew

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell
Nay: None
Abstained: None
Excused: None

Item No. 2. The Providence City Council will consider approval of the minutes of October 20, 2015 City Council meeting.

Motion to approve the minutes of October 20, 2015: J Drew, second – B Bagley

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell
Nay: None
Abstained: None
Excused: None

Oath of Office: The Providence City Youth Council will take the oath of office.

- S Bankhead swore in all members of the Youth Council for 2015-2016.

Public Comments: Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- No public comments.

Board of Equalization: The Providence City Council, acting as the Board of Equalization, will consider a request from Blake Tullis to correct an assessment of water fees resulting from a water leak.

Motion to go into Board of Equalization meeting: J Russell, second – B Bagley

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell
Nay: None
Abstained: None
Excused: None

- Tara Bankhead gave the background on the water leak issue. She was able to adjust the bill according to the ordinance; however, Mr. Tullis has requested a further adjustment.
- R Stapley felt Mr. Tullis did his due-diligence to get his water leak repaired. Mr. Tullis lives on Bringham so water doesn't surface and leaks aren't always apparent because of rock.
- S Bankhead explained to the Council how the adjustments are made.
- R Call said he feels the offer the City has made is a generous offer. He is opposed to making further adjustments. B Bagley also felt the adjustments were adequate.

Motion to allow Tara Bankhead to make adjustments according to code: R Call, second – J Drew

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell
Nay: None
Abstained: None
Excused: None

Motion to close Board of Equalization: J Russell, second – J Baldwin

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell
Nay: None

1 Abstained: None

2 Excused: None

3 **Business Items:**

4 **Item No. 1. Appointment Confirmation:** The Providence City Council will consider a request from Mayor Don
5 Calderwood to confirm the appointment of Rob Stapley as the interim public works director.

6 **Motion to confirm Rob Stapley as interim Public Works Director: R Call, second – B Bagley**

- 7
- S Bankhead said the job will open by the end of the week and will remain open for three weeks.
 - R Call said this is a serious job and the City shouldn't hurry to make the decision. An interim Public Works Director would allow the City to take its time in finding someone to fill the position.
 - S Bankhead said the job will be posted on the state website and in the papers. She will do further postings if the Council prefers.

11 **Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

12 **Nay: None**

13 **Abstained: None**

14 **Excused: None**

15

16 **Item No. 2. Resolution 041-2015:** The Providence City Council will consider for adoption a resolution approving the
17 recertification of the Providence City Justice Court.

18 **Motion to approve the recertification of the Providence City Justice Court: R Call, second – J Drew**

- 19
- R Call said this is a required 4 year certification. The audit has been done and the information is before the Council.
 - Judge Mathew Funk, Providence City Justice Court, addressed the Council. It is required under state law to recertify every 4 years. He feels things are running well with the court. Beth Munson, court clerk, does a really good job. Prosecutors do a good job.
 - B Bagley asked what type of cases he hears.
 - Judge Funk said traffic court is the biggest issue, sometimes shop lifting, a fair amount of drunk driving. There has been an uptick in assault and domestic violence cases.
 - B Bagley asked what type of hearings he conducts.
 - Judge Funk said up to and including Class B misdemeanors. If defendants are ever unhappy with the ruling of the court, they can appeal to the justice court.
 - J Drew said he, the Mayor and S Bankhead had a discussion about the justice court and there are concerns. Currently, our justice court supports Providence, River Heights and Millville, but absorbs 100% of the cost for operating the court. J Drew felt the council should consider renegotiating contracts with River Heights and Millville in order to help cover operational costs or possibly partner with Nibley to help offset the costs. Fines and payment for the judge are set by state code. Incidents that took place in Millville or River Heights can easily be identified in order to help assess costs for those two cities.
 - B Bagley referred to letter from Mr. Fife regarding a couple of issues with compliance.
 - Judge Funk said by statute the court is required to have two tables, and the space for the attorney's is limited. However, his understanding is that those situations will be remedied with the new building.

38 **Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

39 **Nay: None**

40 **Abstained: None**

41 **Excused: None**

42

43 **Item No. 3. Discussion:** The Providence City Council will discuss paying off the 2001C Water Revenue Bond.

- 44
- S Bankhead reviewed the water bond and the possibility of paying it off early.
 - J Drew asked if the list or projects was prioritized and commented that some of the projects were listed to be done alongside road projects.
 - S Bankhead said the list of priorities is subject to change, i.e., if a leak occurs or if a road project comes up, something like that would move to the top of the list. She reviewed the accounts for the Council. Two accounts are directly tied to the bond. The third account is a debt service account. Bank of Utah water impact also affects this bond. To assure there is enough money, some money is transferred every month in to TTIF 1493. There is almost 3 years' worth of payments in that account.
 - J Drew said about \$1.8M would pay the bond off... Last time this was discussed before the council, R Eck was asked how close we are to capacity as far as water usage. It was Randy's opinion that yes, we should start planning for that now. In more recent council meetings the development of the northeast part of the

city and capabilities for servicing that part of the city were discussed. There is a concern about the water fund and being able to finance that type of project. He felt the approach of the City is to let the developer bring water. The City could also put in the infrastructure first and then as development comes, developers would be charged for their share of the infrastructure. J Drew feels the second option gives the City more control over development and also encourages development.

- J Baldwin said with the most recent annexation, a precedent was set. Sufficient impact fees need to be charged to the developer if more development occurs in that area.
- J Drew said it should not be done piecemeal. The infrastructure should be in place as development comes in.
- S Bankhead said if the second option is considered, the sooner you do an impact fee analysis, the more current residents you will have and the less new residents will pay. 100% of the reservoir may be paid by impact fees if you can show it is serving only new growth. If we wait for development to come, you risk losing a percentage of that money. If the reservoir is built within the next 6 or 7 years, a water impact fee analysis needs to be done. If we wait, the impact fee will be considerably lower.
- J Baldwin we know development is coming so we need to look at water demands and the associated fees.
- R Call said there are really two issues. One, how do we provide water and support new homes, and the second is how to we support existing infrastructure. Most of the items on the list will have to come out of our water fund and goes to supporting current infrastructure.
- S Bankhead said the only one that is new development related is 300 North well. One other item to be considered is the piping for the year round wells. The City has been very fortunate in that our springs are healthy and we can gravity flow through the winter months (October-April). However, if there were some type of disaster that took the spring out, we could lose that capability. We would have to discharge the wells.
- R Stapley explained how the wells would be discharged.
- S Bankhead said we have plenty of water; the worry is if something happens to the spring and we have to fire up the wells, we need a safe place for the discharge.
- Mayor Calderwood said years ago when Highlands came in, the Council made an agreement betting on development. To date, that development has not taken place; therefore the City will eventually have financial obligations because development has not taken place.
- R Call said he doesn't feel there is not enough money to pay if off now. There are a lot of projects that need attention and he does not want to set up a tax increase.
- B Bagley asked if there are any penalties for early payoff.
- S Bankhead said there are no penalties, but a 30 day notice is required.

Items No. 5 and 6 were discussed next at Councilman John Russell's recommendation.

Item No. 5. Report: Sheriff Chad Jensen will report on services provided by the Cache County Sheriff's Office.

- Chad Jensen, Cache County Sheriff, reported to the Council on activity and expenditures in Providence.
- R Call asked what the difference was between warnings or citations being issued.
- C Jensen said officer discretion. He would like to see a balance in warnings and citations. He feels the officers are doing a good job and it appears the citations and warnings are fairly balanced. He reviewed for the Council progress in the Sheriff's office.
- J Drew asked if there had been any impact with pay raised.
- C Jensen said he has been able to do wage increases and that has helped slow down the turnover rate. Patrols have been cut from 10-hour shifts to 8-hour shifts; that has helped coverage and time off for other employees. Dedicated area assignments have also impacted turnover rate. There has been a reduction in the administrative staff in the office. Moral is up. Sheriff Jensen said he is in favor of the work diversion/work release program and invited Providence City to participate in work diversion/work release.
- R Call asked what is being done to prevent a shooter from coming into the schools and causing problems.
- C Jensen said there isn't a lot that can be done, but they are meeting with the school districts next week to formulate plans.
- J Baldwin asked if guns are permitted on school property.
- C Jensen said it is a school violation to openly carry a gun, but a concealed weapons permit is not a violation.
- J Russell asked if adjustments would be made for the new high school.

- C Jensen said there will be officers assigned to drop in there just like the other schools in the county. He has concerns about traffic control.

There was a 5 minute recess.

Item No. 6. Discussion: Matt Hansen, Sierra Homes, will discuss water requirements for a possible development generally located at 1190 South 400 East.

- Matt Hansen, Sierra Homes, introduced himself to the Council. They are working with Civil Solutions on this project.
- R Call asked what type of development they are interested in.
- M Hansen said it is residential, SFT. Some lots will be ¾ acre. The developer will be responsible for 6th East.
- S Bankhead said staff wants to know how the Council would like the developer to handle water requirements; water rights, water shares or water fees. Nothing formal has been submitted.
- J Baldwin said if money comes rather than water, where does the money go.
- S Bankhead said the money will go into the water fund. If we have to purchase water rights, it could go to that.
- J Baldwin said he is concerned about money coming in rather than water. At some point in time the irrigation shares will have to be converted to culinary water.
- R Stapley said he didn't feel this project would hinder the water supply, but he agrees that in the future irrigation water will need to be converted.
- Mayor Calderwood asked where the water supply for this development would come from.
- R Stapley said zone two. At the moment this zone has the largest demands. It comes out of Redd's reservoir.
- S Bankhead said if the Council thinks there is sufficient right and would rather have cash come in for infrastructure, then an equitable fee could be required. If water is the concern, then water rights or shares need to be required.
- R Call felt that the "fee in lieu" would not be sufficient to cover the amount of homes that would be going in to this development.
- B Bagley asked where the shares would come from.
- M Hansen said they would have to do a water transfer. Blacksmith Fork and Spring Creek do not have shares to sell currently.
- R Call said he is interested in working with Sierra Homes, but needs some time to study the issue.
- J Baldwin asked how water impact fees were measured.
- S Bankhead said meter size, but there are impact fees as well as water requirements.
- B Bagley asked if this was going to be done in phases.
- M Hansen said this is very much in concept and preliminary, but he thinks it will be phased.

Item No. 4. Resolution 042-2015: The Providence City Council will consider for adoption a resolution amending the Providence City Personnel Policy.

Motion to consider Resolution 042-2015: R Call, second – J Baldwin

- Mayor Calderwood asked if a Mayor or council member can be elected if a relative is working for the city.
- J Baldwin commented that Mayor or council member is an elected official; however, there should be some disclosure.
- Mayor Calderwood asked if the situation were reversed, such as a relative of a Mayor or council member wanted to be hired by the city, could that happen.
- R Call said he didn't feel like elected officials were in supervisory positions, except the Mayor.
- J Drew suggested qualifying the statement to say that this policy does not apply to elected officials with exception to the Mayor.
- R Call suggested taking first cousin out of the statement.
- J Baldwin said this is state code and it cannot be taken out.
- Mayor Calderwood had a question on E. the appeal process. Currently this now goes to the Mayor, with the exception of the City Administrator. He does not want the Mayor to be the appeal process. He feels that prevents the Mayor from interfacing with an employee that may need help.
- S Bankhead said the appeals authority was comprised of the Mayor, two council members and three employees selected by the employees.

- R Call said there is nobody that is a standing appeals person, but the Mayor could be removed from the process and someone could be appointed by the Council.
- J Drew felt it might be advantageous to have that flexibility.

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

Nay: None

Abstained: None

Excused: None

Staff Reports: Items presented by Providence City Staff will be presented as information only.

- S Bankhead said her report is before the council and includes the September invoice and financial statements.
- J Baldwin said he would like a short presentation showing the water system, tanks, basic flow, gravity flow, etc. He would like to see how the trend is going. He would like to know the city's capacity to provide culinary water to current residents and how much excess there is in order to know how many more developments can be absorbed.
- R Stapley said the water model will cover most of that. He will provide that information.
- J Drew said it would be helpful in knowing how new development is being absorbed and how it impacts the city's water system.
- S Bankhead said water usage is a moving target. Trends change from year to year. The water model can be done, but it is dynamic and there is a lot of potential for change from year to year.
- Mayor Calderwood would like to see a water zone map.
- S Bankhead said elections have had a good turnout so far.

Council Reports: Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- J Baldwin went to the Mayor's meeting and enjoyed it.
- J Russell handed out a sales tax revenue report. He was approached by CAPSA wanting to know if the city could appropriate funds. They can come and present at the November meeting if the Council desires. CAPSA does many different layers of assistance. Last year 7 people from Providence were housed in CAPSA shelters. They provide tremendous support to law enforcement.
- R Call – no report.
- J Drew attended a conference at Logan city council chambers hosted by Utah Communication Authority. The state of Utah has a communication system, now the federal government wants to be involved in local police communications and cell companies want to be involved because they feel they already have the infrastructure. All of the police and fire personnel have concerns about this. This will force tax payers to fund cell service poles in rural areas where this type of communication is not in use. He feels cell phone communications can be easily overwhelmed, based on his experience in providing radio support during LOTOJA. CVTD has a board meeting tomorrow night. They commissioned a survey of fare free. The company that did the research for CVTD is out of Oakland and all their survey results support spending more money for more programs. S Bankhead put together a summary of the last two years of Justice Court P&L results; J Drew would like to continue the discussion of renegotiation with Millville and River Heights.
- B Bagley asked R Stapley when the recycle bins are going to be picked up. They will be picked up in November. It will be posted online and in the newsletter. He asked for updates on the new building.
- Mayor said plumbing and mechanical needs to be done on the new building. Waiting for an engineer's estimate on what it will cost to remodel and bring the building up to code.
- Mayor Calderwood:
 - Nov. 19, dinner at USU with Lt. Governor – council members and wives are invited to go. Mayor would like to know who is planning to attend.
 - COG – a proposal was submitted to extend Gateway Drive to the south. COG money was approved by the Mayors; it then had to go to county council where it was unanimously approved. \$1,293,000 was awarded to extend the roundabout south to 100 South.
 - Commercial appraisal was done on the Hyrum waste water facility. The results are not back yet. Hyrum wants \$3.3M from Nibley and Providence each to purchase a third of the old facility.

- Hyrum council still has to approve the deal.
- Regional storm water basin off 3rd West and 5th South. LDS church owns the property and is not interested in selling the property.
 - Mayor of River Heights met with Mayor Calderwood. River Heights said they received a significant increase for their fire protection contract with Logan. Mayor Calderwood said the council needs to review Providence's fire protection contract. If our contract us up and if we receive an increase from Logan, Mayor Brackner suggested River Heights and Providence joining for fire protection.
 - J Drew asked if this was a volunteer fire department between the two cities. Mayor Calderwood said it is.

Executive Session:

Item No. 1. The Providence City Council will enter into a closed session to discuss pending or reasonably imminent litigation as allowed by Utah Code 52-4-205(1)(c).

Item No. 2. The Providence City Council will enter into a closed session to discuss professional competence or other factors allowed by Utah Code 52-4-205(1)(a)

Item No. 3. The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

Motion to enter Executive Session: R Call, second – J Baldwin

Vote: **Yea:** **B Bagley, J Baldwin, R Call, J Drew, J Russell**
 Nay: **None**
 Abstained: **None**
 Excused: **None**

Motion to close Executive Session: J Baldwin, second – R Call

Vote: **Yea:** **B Bagley, J Baldwin, R Call, J Drew, J Russell**
 Nay: **None**
 Abstained: **None**
 Excused: **None**

Minutes recorded and prepared by C Craven.
Meeting adjourned at 8:45 pm.

Don W. Calderwood, Mayor

Skarlet Bankhead, City Recorder

Resolution 043-2015

A RESOLUTION ACCEPTING FOR FURTHER CONSIDERATION AN ANNEXATION PETITION SIGNED BY BRAD V. BARBER, PRESIDENT/CEO – MEMBERS FIRST CREDIT UNION FOR PROPERTY DESCRIBED IN THE ANNEXATION PETITION THAT IS LOCATED ADJACENT TO THE NORTHWEST BOUNDARY OF PROVIDENCE CITY AND COMMONLY KNOWN AS APPROXIMATELY 65 NORTH HWY 165; CONTAINING 1.148 ACRES.

WHEREAS UCA § 10-7-717 Purpose of resolutions, states, “Unless otherwise required by law, the governing body may exercise all administrative powers by resolution . . .”

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of the City and its present and future inhabitants and businesses.

WHEREAS Providence City received a Petition for Annexation on April 27, 2015:

- The property is located adjacent to the northwest boundary of Providence City and commonly known as approximately 65 North HWY165.
- The property is legally described as:
Parcel No. 02-088-0018 containing 1.148 acres.
- Providence City Code 10-3-6: Annexation states, *A. Classification: New area annexed to the City shall be annexed into the City as agricultural, unless otherwise approved by the City Council as provided in Utah Code Annotated, as may be amended.*
 - Applicant is annexing the property with the intent to build a credit union; and is requesting the property be annexed with a Commercial General District (CGD) zone.
- Pursuant to Utah Code 10-2-405.(1)(a)(i) A municipal legislative body may: (A) subject to Subsection (1)(a)(ii), deny a petition filed under Section 10-2-403; or(B) accept the petition for further consideration under this part.

THEREFORE be it resolved by the Providence City Council:

- The Petition for Annexation signed by Brad V. Barber, President/CEO Members First Credit Union, shall be accepted for further consideration; and
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 17 day of November, 2015.

Council Vote:

Bagley, Bill	() Yes	() No () Excused	() Abstained	() Absent
Baldwin, Jeff	() Yes	() No () Excused	() Abstained	() Absent
Call, Ralph	() Yes	() No () Excused	() Abstained	() Absent
Drew, John	() Yes	() No () Excused	() Abstained	() Absent
Russell, John	() Yes	() No () Excused	() Abstained	() Absent

Providence City

Don W Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

PROVIDENCE CITY LAND USE APPLICATION

15 South Main * Providence UT 84332

435-752-9441 * Fax: 435-753-1586 * email: sbankhead@providence.utah.gov

Please note that each request has a checklist which specifies what information is required in order for your application to be complete and ready for processing. Please check the appropriate box for your type of application. Check only one box. Each application type requires a separate application. If you have questions, please ask.

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

Development Review Committee, and/or Planning Commission, and/or City Council

<input checked="" type="checkbox"/> Annexation	<input type="checkbox"/> Exception to Title	<input type="checkbox"/> Rezone
<input type="checkbox"/> Code Amendment	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Right-of-way Vacation
<input type="checkbox"/> Concept Plan	<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Site Plan
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Preliminary Plat	
Appeal Authority		
<input type="checkbox"/> Appeal	<input type="checkbox"/> Variance	

**PLEASE NOTE: FILING FEES DO NOT INCLUDE PROFESSIONAL FIRM FEES.
THESE WILL BE BILLED SEPARATELY.**

Applicant's Name: Brad V Barber		
Address: 120 E 1000 S Brigham City, UT 84302		
Phone(s): 435 723-5231	Fax: 435 723-1985	E-Mail: bb@memfirstcu.com

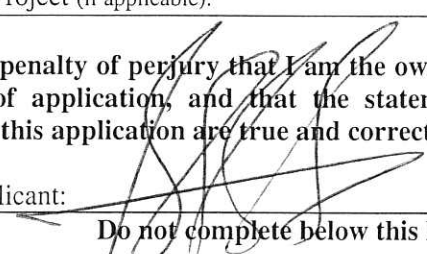
Party Responsible for Payment: Brad V Barber		
Billing Address: P O Box 657 Brigham City, UT 84302		
Phone(s): 435 723-5231	Fax: 435 723-1985	E-Mail: bb@memfirstcu.com

Property Owner's Name (how it appears on a legal document): Members First Credit Union		
Address: 120 E 1000 S Brigham City, UT 843-2		
Phone(s): 435 723-5231	Fax: 435 723-1985	E-Mail: bb@memfirstcu.com

Architect/Engineer/Surveyor's Name: Hansen and Associates, Inc Consulting Engineers		
Address: 538 N Main Street Brigham City, UT 84302		
Phone(s): 435 723-3491	Fax:	E-Mail:

Cache County Property Number(s): 02-088-0018		
Total Acreage: 1.148 acres Project Name: Cache Valley Branch		
City Address of Project (if applicable):		

I declare under penalty of perjury that I am the owner or authorized agent for the property which is the subject of application, and that the statements, answers, and documents submitted in connection with this application are true and correct to the best of my knowledge.

Signature of Applicant: 

Date: 7-29-2015

Do not complete below this line, for office use only.

Application Fee:
General Plan:
Zone:


Receipt Number:
Received By:
Date Stamp:

ANNEXATION PETITION FOR MEMBERS FIRST CREDIT UNION

We hereby certify that the undersigned is the legal and authorized representative of Members First Credit Union - the sole owner of 100% of said real estate property to be annexed and that said land is contiguous to the Corporate Limits of Providence City.

Total number of acres: 1.148

Name: MEMBERS FIRST CREDIT UNION
Address: 120 E 1000 S (P O Box 657) BRIGHAM CITY, UT 84302
Phone: 435 723-5231
Tax ID / Parcel #: 02-088-0018
Proposed Zone District Assignment:



Brad V. Barber, President/CEO - Members First Credit Union
(Sponsor)

The signer acknowledges: I have personally signed this petition; I am aware of the request for Annexation and understand the terms and conditions of this application; I am the legal representative for Members First Credit Union and authorized to sign and complete this application; Members First Credit Union is the legal owner of the property above mentioned and located at or near Providence, Cache County, State of Utah; The street and mailing address are correctly included in the above information.

Adjacent Property Owners

Property Owner	Parcel Number	Property Owner Mailing Address
Barbara M Rinderknecht Trustee	02-088-0010	P O Box 488 Providence, UT 84332-0488
Barbara Rinderknecht	02-088-0015	P O Box 488 Providence, UT 84332-0488
C A Fullmer Family LLC	02-088-0030	P O Box 127 Logan, UT 84323-0127
SFP-D LLC	02-088-0011	P O Box 5350 Bend, OR 97708-5350
Jogl Enterprises LLC	02-088-0012	P O Box 311 Providence, UT 84332-0311
Amsource Providence LLC	02-210-0110	358 S RIO GRANDE SUITE 200 SALT LAKE CITY, UT 84101-1143

Affected Property Owner (Parcel Being Annexed)

Property Owner	Parcel Number	Property Owner Mailing Address
Members First Credit Union	02-088-0018	120 E 1000 S (P O Box 657) Brigham City, UT 84302



120 East 1000 South
P.O. Box 657
Brigham City, Utah 84302
Phone (435) 723-5231

November 6, 2015

Providence City Council
Providence, Utah

RE: Annexation Request
Members First Credit Union property

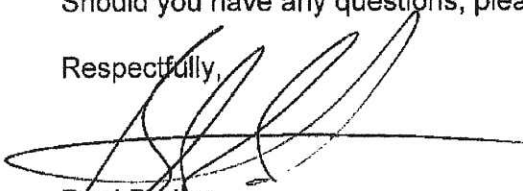
Providence City Council

Members First Credit Union has submitted an application for annexation of our property into Providence City.

In addition to annexing the property, we would request that the property be annexed as Commercial General District

Should you have any questions, please feel free to contact me at any time.

Respectfully,



Brad Barber
President/CEO
(435) 723-5231

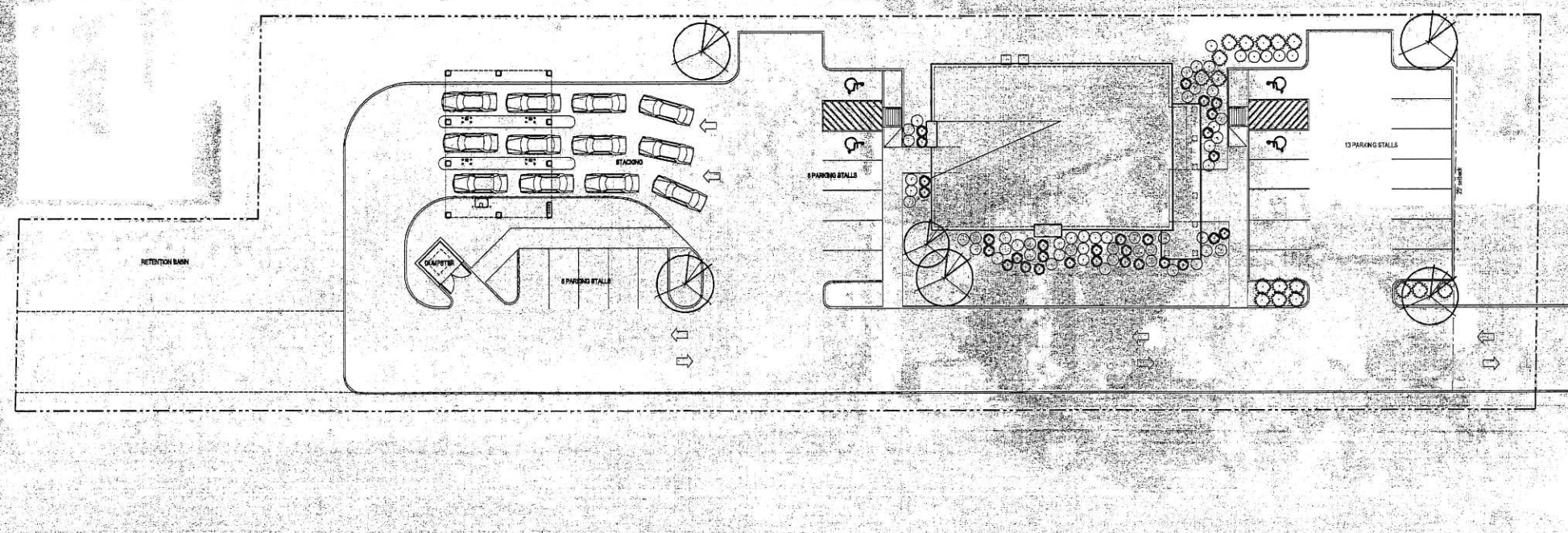
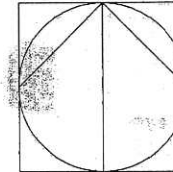
**MEMBERS FIRST credit union
Providence Branch**

SANDERS ASSOCIATES ARCHITECTS
+ WADMAN CORPORATION

10.30.2015

Copyright © 2015

SITE PLAN
1" = 20'-0"



Resolution 044-2015

A RESOLUTION ACCEPTING FOR FURTHER CONSIDERATION AN ANNEXATION PETITION SIGNED BY CRAIG BUTTARS, CACHE COUNTY EXECUTIVE FOR PROPERTY DESCRIBED IN THE ANNEXATION PETITION THAT IS LOCATED ADJACENT TO THE NORTHEAST BOUNDARY OF PROVIDENCE CITY AND COMMONLY KNOWN AS 800 SOUTH-COUNTY (500 NORTH-PROVIDENCE) RIGHT-OF-WAY EAST OF 300 EAST; CONTAINING 0.77 ACRES.

WHEREAS UCA § 10-7-717 Purpose of resolutions, states, "Unless otherwise required by law, the governing body may exercise all administrative powers by resolution . . ."

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of the City and its present and future inhabitants and businesses.

WHEREAS Providence City received a Petition for Annexation on April 27, 2015:

- The property is located adjacent to the northeast boundary of Providence City and commonly known as 800 South-County (500 North-Providence) right-of-way east of 300 East.
- The property is legally described as:
A portion of land located in Section 2, Township 11 North, Range 1 East, Salt Lake Base and Meridian, Cache County, Utah and further described as follows:
Beginning at the Southeast corner of Section 2, from which the East quarter corner of Section 2 bears North 00°36'54" East 2650.56 feet;
Thence North 00°36'54" East 855.72 feet along the east line of said Section 2;
Thence North 89°23'06" West 3293.54 feet to a found rebar with cap labeled, PLS 375041 set on the west line of Providence Hollow Subdivision as recorded under entry number 1133899 in the official records of Cache County, also being a fence corner, the True Point of Beginning;
Thence South 16°57'02" West 39.45 feet along said west line to the northeast corner of that parcel of land owned by Providence City Corp, being parcel number 02-004-0029 in the official records of Cache County;
Thence North 88°28'58" West 980.54 feet along the north line of said parcel number 02-004-0029;
Thence North 01°16'17" East 33.01 feet to a point at the extension of a fence line;
Thence South 88°33'25" East 671.61 feet along said extension and fence line to a fence corner;
Thence South 89°13'38" East 319.59 feet to the True Point of Beginning.
Containing 0.77 acres of land.
- Providence City Code 10-3-6: Annexation states, *A. Classification: New area annexed to the City shall be annexed into the City as agricultural, unless otherwise approved by the City Council as provided in Utah Code Annotated, as may be amended.*
 - The property is currently used, and will be continued to be used, as a road way; adjacent zoning is Single-Family Traditional (SFT). It is recommended the property be zoned Single-Family Traditional (SFT).
 - Pursuant to Utah Code 10-2-405.(1)(a)(i) A municipal legislative body may: (A) subject to Subsection (1)(a)(ii), deny a petition filed under Section 10-2-403; or (B) accept the petition for further consideration under this part.

THEREFORE be it resolved by the Providence City Council:

- The Petition for Annexation signed by Craig Buttars, Cache County Executive, shall be accepted for further consideration; and
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 17 day of November, 2015.

Council Vote:

Bagley, Bill	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Baldwin, Jeff	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Call, Ralph	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Drew, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Russell, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

Providence City

Don W Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

PROVIDENCE CITY

Annexation Checklist

Please provide the following information as part of your application. The information listed below is required to properly review and process your request. An incomplete application or lack of the required information will delay acceptance and/or processing of your application. Incomplete applications may be returned until the required information is submitted. There is a non-refundable application fee of \$150 for annexation requests.

Applicant, please note! Your application may be reviewed at the counter on a preliminary basis; however, it must still be reviewed by staff before it is accepted for processing. You will be contacted by staff if the application is not complete.

Applicant Check	ANNEXATION CHECKLIST	Staff Check
	Application	X
	\$150 filing fee*	
	Annexation Petition containing signatures require by Utah Code 10-2-403(3)(b) and identifying the petition sponsors.	X
	An accurate map, prepared by licensed surveyor, of the area proposed for annexation	X
	A list, including the mailing address, of each affected entity as defined in Utah Code 10-2-401.	X Verify w/ sketch
	A list, including the mailing address, of each adjacent property owner. <i>"Adjacent Property Owner" means record owner of real property that shares a common boundary with the applicant's property or is separated by a public right-of-way or canal, stream, etc. City Code 10-1-6:B.2.</i>	Same
	On the date of filing, the petition sponsors shall deliver or mail a copy of the petition to the Cache County Clerk.	X

***Please note: this filing fee does not include professional firm fees.**

Please ask for a Providence City fee schedule.

Process for Annexation Approval:

DRC (may be reviewed here more than once)
City Council
Meeting with the surrounding cities
Mylar plat submitted to County Recorder's Office

Providence City * 15 South Main * Providence UT 84332
 Phone: 435-752-9441 * Fax: 435-753-1586 * Email: sbankhead@providence.utah.gov

PROVIDENCE CITY APPLICATION

Please note that each request has a checklist which specifies what information is required in order for your application to be complete and ready for processing. Please check the appropriate box for your type of application. Check only one box. Each application type requires a separate application. If you have questions, please ask.

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

Development Review Committee, and/or Planning Commission, and/or City Council			
<u>Annexation</u>	Final Plat	Rezone	
Code Amendment	General Plan Amendment	Right-of-way Vacation	
Concept Plan	Preliminary Plat	Site Plan	
Conditional Use			
Board of Adjustment			
Appeal	Expansion of Nonconforming Use	Special Exception	Variance

PLEASE NOTE: FILING FEES DO NOT INCLUDE PROFESSIONAL FIRM FEES.
THESE WILL BE BILLED SEPARATELY.

Applicant's Name: <u>500 NORTH UC</u>			
Address: <u>540 W. GOLF COURSE ROAD SUITE B1 PROVIDENCE</u>			
Phone(s): <u>435 760.7488</u>	Fax: <u>N/A</u>	E-Mail: <u>danny@civilsolutionsgroup.net</u>	

Party Responsible for Payment: <u>500 NORTH UC c/o BRENT SKINNER</u>			
Billing Address: <u>540 WEST GOLF COURSE RD, SUITE B1 PROVIDENCE</u>			
Phone(s): <u>435 760.7488</u>	Fax:	E-Mail: <u>brentskinner@gmail.com</u>	

Property Owner's Name (how it appears on a legal document): <u>800 SOUTH RIGHT OF WAY</u>			
Address:			
Phone(s):	Fax:	E-Mail:	

Architect/Engineer/Surveyor's Name: <u>CIVIL SOLUTIONS GROUP</u>			
Address: <u>SEE APPLICANT INFO</u>			
Phone(s):	Fax:	E-Mail:	

Cache County Property Number(s): <u>N/A 800 SOUTH RDW</u>	
Total Acreage: <u>0.77</u>	Project Name: <u>800 SOUTH ANNEXATION</u>
City Address of Project (if applicable):	

I declare under penalty of perjury that I am the owner or authorized agent for the property which is the subject of application, and that the statements, answers, and documents submitted in connection with this application are true and correct to the best of my knowledge.

Signature of Applicant: [Signature]

Date: 10/29/15

Do not complete below this line, for office use only.

Application Fee:
General Plan:
Zone:
Receipt Number:
Received By:
Date Stamp:

ANNEXATION PETITION FOR 800 SOUTH RIGHT OF WAY.

We hereby certify that all of the undersigned together constitute the owners of a majority of said real property to be annexed and also are the owners of said real property to be annexed and also are the owners of more than one-third in value of said real property as shown by the last assessment rolls for taxes, and that said land is contiguous to the Corporate limits of Providence City. Please indicate which individual(s) is the sponsor/contact for this petition (up to 5 sponsors may be indicated).

Total number of acres 0.77

Name: CRAIG BUTTARS, CACHE COUNTY EXECUTIVE : ACTING FOR CACHE COUNTY CORP.

Address: 199 N. MAIN, LOGAN, UT 84321

Phone: 435-755-1850

Tax I.D./Parcel #(s): n/a

Proposed Zone District Assignment: Single Family Traditional (SFT)

Total Acres: 0.77

Signature: Craig Buttars

Each owner and signer for himself says: I have personally signed this Petition; I am aware of the request for Annexation and understand the terms and conditions of this Application; I am an owner of a portion of the property above mentioned and located at or near Providence, Cache County, State of Utah, and my post office address is correctly written after my name.

"Notice:

- There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election.
- If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of (state the name of the proposed annexing municipality). If you choose to withdraw your signature, you shall do so no later than 30 days after (state the name of the proposed annexing municipality) receives notice that the petition has been certified.";

LEGAL DESCRIPTION
FOR
ANNEXATION OF A PORTION OF 800 SOUTH STREET
TO PROVIDENCE CITY

A portion of land located in Section 2, Township 11 North, Range 1 East, Salt Lake Base and Meridian, Cache County, Utah and further described as follows:

Beginning at the Southeast corner of Section 2, from which the East quarter corner of Section 2 bears North 00° 36' 54" East 2650.56 feet;
Thence North 00° 36' 54" East 855.72 feet along the east line of said Section 2;
Thence North 89° 23' 06" West 3293.54 feet to a found rebar with cap labeled, PLS 375041 set on the west line of Providence Hollow Subdivision as recorded under entry number 1133899 in the official records of Cache County, also being a fence corner, the True Point of Beginning;
Thence South 16° 57' 02" West 39.45 feet along said west line to the northeast corner of that parcel of land owned by Providence City Corp, being parcel number 02-004-0029 in the official records of Cache County;
Thence North 88° 28' 58" West 980.54 feet along the north line of said parcel number 02-004-0029;
Thence North 01° 16' 17" East 33.01 feet to a point at the extension of a fence line;
Thence South 88° 33' 25" East 671.61 feet along said extension and fence line to a fence corner;
Thence South 89° 13' 38" East 319.59 feet to the True Point of Beginning.
Containing 0.77 acres of land.



Danny Macfarlane <danny@civilsolutionsgroup.net>

Notice of Intent to File Annexation

Danny Macfarlane <danny@civilsolutionsgroup.net>

Wed, Oct 28, 2015 at 3:44 PM

To: Chris Harrild <Chris.Harrild@cachecounty.org>, Skarlet Bankhead <sbankhead@providence.utah.gov>, Brent Skinner <brentskinner@gmail.com>

Chris,

Thanks for your help last night at the County Council!

This is a notice of intent to file the annexation for the portion of 800 South as shown on the attached annexation plat map. The attached spreadsheet lists all the owners within 300' of the annexation as required by State Code. Please get this list to whoever mails the notices to the adjacent property owners.

The annexation petition will be filed tomorrow with Providence City.

Thanks,

-

Danny Macfarlane, PE, President

540 West Golf Course Road, Suite B1

Providence, UT 84332

Office 435.213.3762

Mobile 435.760.7488

danny@civilsolutionsgroup.net

www.civilsolutionsgroup.net

PROVIDENCE | SALT LAKE CITY

COPY OF
NOTICE OF INTENT
TO COUNTY.



civilsolutionsgroupinc.

Leaders in sustainable engineering and planning

This message may contain confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply e-mail and delete this message. Thank you for your cooperation.

2 attachments

**15131annexationplatfor 800 south-Layout1.pdf**

303K

**Neighboring Property Info.xlsx**

11K

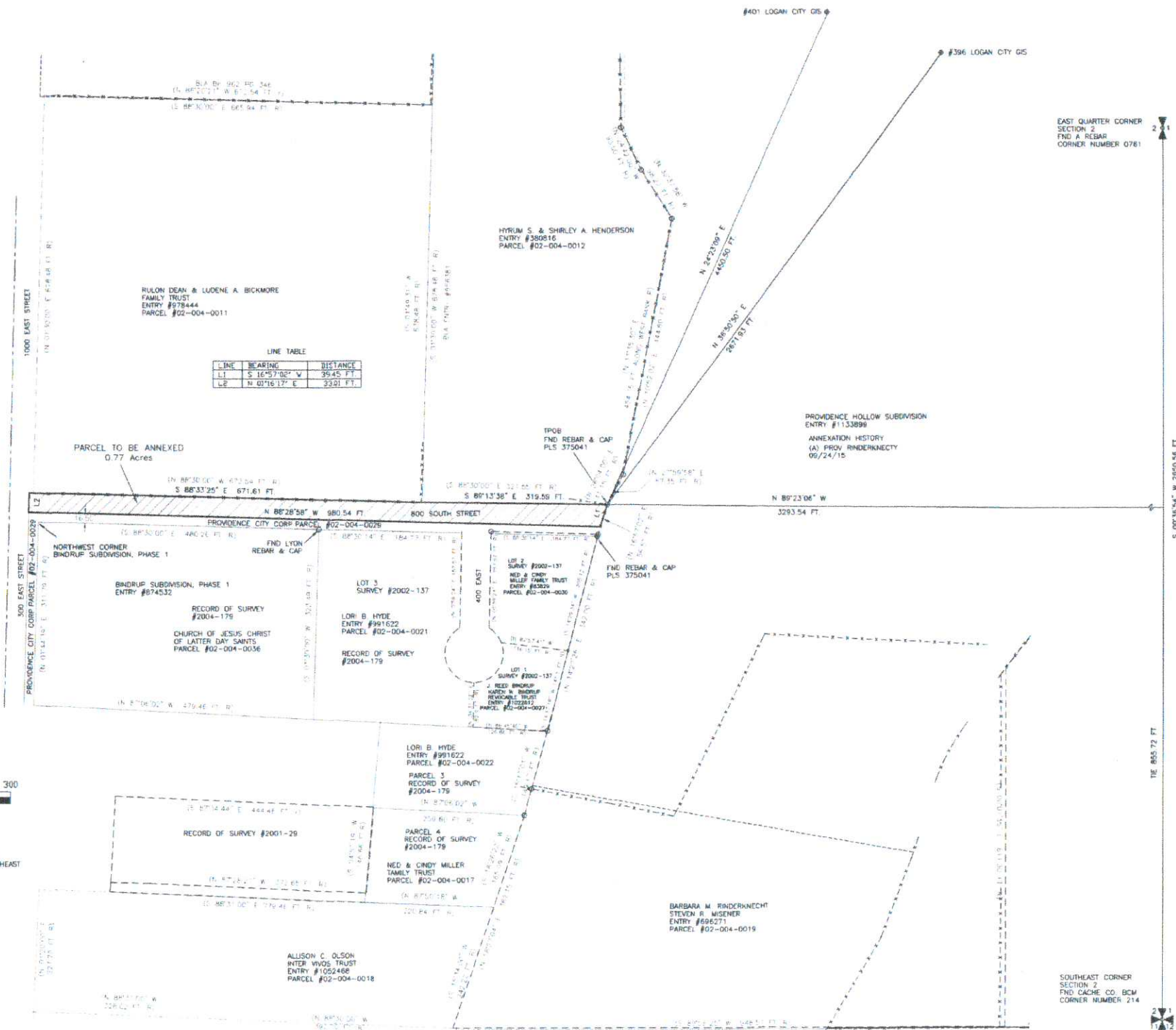
ADJACENT PROPERTY OWNERS

Property Owner	Parcel Number	Property Owner Mailing Address
Ronald and Diana Zollinger	02-004-0010	1000 River Heights BLVD Logan, UT 84321
500 North LLC	02-286-0000	540 West Golf Course Road, Suite B1 Providence, UT 84332
JTD LEE LLC	02-005-0005	6038 N 1200 W Smithfield, UT 84335
Ned and Cindy TRS Miller	02-004-0030	480 N 400 E Providence, UT 84332
Lori B Hyde	02-004-0021	349 S East Oaks DR. Fruit Heights, UT 84037
Corporation of Presiding Bishop	02-004-0036	50 East North Temple, SLC, UT 84150
Rulon Dean Bickmore Trust	02-004-0011	1885 East 3825 South SLC, UT 84106-3867
Providence City Corporation	02-004-0029	15 South Main Providence, UT 84332
Chugg Farms	02-004-0002	215 East 200 North Providence, UT 84332
Shawn Bindrup	02-004-0005	940 Canyon Road Providence, UT 84332
Hyrum and Shirley Henderson	02-004-0012	PO Box 133 Providence, UT 84332

AFFECTED PROPERTY OWNERS (PARCELS BEING ANNEXED)

Property Owner	Parcel Number	Property Owner Mailing Address
N/A, Current 800 South Road	N/A	N/A

800 SOUTH STREET ANNEXATION PLAT
TO PROVIDENCE CITY, UTAH
A PORTION OF SECTION 2
TOWNSHIP 11 NORTH, RANGE 1 EAST, SLB & MERIDIAN
OCTOBER 2015



ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE THE PROVIDENCE CITY COUNCIL HAVE RECEIVED A PETITION SIGNED BY THE MAJORITY OF THE OWNERS OF THE TRACT SHOWN AND DESCRIBED HEREON REQUESTING THAT SAID TRACT BE ANNEXED TO PROVIDENCE CITY, AND THAT A COPY OF THE ORDINANCE OR RESOLUTION HAS BEEN PREPARED FOR FILING HERewith IN ACCORDANCE WITH THE APPLICABLE STATE LAWS, AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF PROVIDENCE CITY.

MAYOR

WITNESS MY HAND AND OFFICIAL SEAL THIS ____ DAY OF ____ 20__

CITY RECORDER

COUNTY SURVEYOR'S APPROVAL

APPROVED FOR FILING WITH THE COUNTY RECORDER OF CACHE COUNTY, UTAH THIS ____ DAY OF ____ 20__

LEGAL DESCRIPTION
FOR
ANNEXATION OF 800 SOUTH STREET
TO PROVIDENCE CITY

LEGAL DESCRIPTION
FOR
ANNEXATION TO PROVIDENCE CITY

A PORTION OF LAND LOCATED IN SECTION 2, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, CACHE COUNTY, UTAH AND FURTHER DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF SECTION 2, FROM WHICH THE EAST QUARTER CORNER OF SECTION 2 BEARS NORTH 07° 36' 54" EAST 2650.56 FEET;
THENCE NORTH 07° 36' 54" EAST 855.72 FEET ALONG THE EAST LINE OF SAID SECTION 2;
THENCE NORTH 69° 23' 06" WEST 3293.54 FEET TO A FOUND REBAR WITH CAP LABELED, PLS 375041 SET ON THE WEST LINE OF PROVIDENCE HOLLOW SUBDIVISION AS RECORDED UNDER ENTRY NUMBER 1133899 IN THE OFFICIAL RECORDS OF CACHE COUNTY, ALSO BEING A FENCE CORNER, THE TRUE POINT OF BEGINNING;
THENCE SOUTH 18° 57' 02" WEST 39.45 FEET ALONG SAID WEST LINE TO THE NORTHEAST CORNER OF THAT PARCEL OF LAND OWNED BY PROVIDENCE CITY CORP. BEING PARCEL NUMBER 02-004-0029 IN THE OFFICIAL RECORDS OF CACHE COUNTY;
THENCE NORTH 88° 28' 58" WEST 980.54 FEET ALONG THE NORTH LINE OF SAID PARCEL NUMBER 02-004-0029;
THENCE NORTH 01° 16' 17" EAST 33.01 FEET TO A POINT AT THE EXTENSION OF A FENCE LINE;
THENCE SOUTH 88° 35' 25" EAST 671.61 FEET ALONG SAID EXTENSION AND FENCE LINE TO A FENCE CORNER;
THENCE SOUTH 89° 13' 38" EAST 319.59 FEET TO THE TRUE POINT OF BEGINNING.
CONTAINING 0.77 ACRES OF LAND.

RECORDER'S CERTIFICATE

INSTRUMENT NO. _____
DATE _____
RECORD OF SURVEY NO. _____
RECORDED BY _____
FEE _____

SURVEYOR'S CERTIFICATE

I, TIMOTHY L. WAIN, SURVEYOR, DO HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF UTAH, THAT I HOLD CERTIFICATE OF THIS NUMBER 275041, AND THAT BY THE AUTHORITY OF THE OWNERS OF THIS TRACT, I HAVE PREPARED THIS SURVEY TO BE MADE AS SHOWN AND DESCRIBED ON THIS PLAT.

TIMOTHY L. WAIN, CHRISTENSEN

DATE

POINTS NOT SET OR FND

LEGEND

EXISTING FENCE LINE
SECTION CORNER
FOUND
SET 5/8" REBAR
BY ALUMINUM CAP
FND QUARTY CORNER
SET BY THIS SURVEY
5/8" REBAR W/7 CAP
POINTS NOT SET OR FND

CIVIL SOLUTIONS GROUP

RECORD OF SURVEY
FOR
ANNEXATION TO PROVIDENCE CITY
SECTION 2, T. 11 N. R. 1 E. SALT LAKE BASE & MERIDIAN
CACHE COUNTY, UTAH

REVISIONS
2
1
PROJECT NO. 15131

A. A. HUDSON
AND
ASSOCIATES

132 SOUTH STATE
PRESTON, IDAHO 83263
(208) 852-1155

DRAWING 15131 VIEW 3XX



Providence City

15 South Main Street
Providence, UT 84332
(435) 752-9441 • Fax: (435) 753-1586
www.providencecity.com

October 26, 2015

Cache County Council
Chris.harrild@cchecounty.org

Cache County Council,

Providence City requests that the Cache County Council consider the approval of the use of this right-of-way while Providence City proceeds to annex a portion of the 500 North (800 South County). In order to provide city street access to the municipal subdivision (Providence Hollow), Providence City will begin the annexation process, incorporating the northern portion of 500 North to the existing property lines on the north.

Item 5.6 [B] of the Cache County Manual of Roadway Design and Construction Standards specifies that the Cache County Council must give written permission for a municipal development to access a county roadway. Providence City thus petitions the Cache County Council for this approval.

If approved, the developer would be permitted to place infrastructure prior to the winter months, thus not delaying the construction process and allowing time for the annexation to be completed. Please consider this request.

Sincerely,

Don W. Calderwood
Mayor



Cache
County
1857

DEVELOPMENT SERVICES DEPARTMENT

BUILDING | SURVEYING | ENGINEERING | GIS | PLANNING & ZONING | ROADS | WEEDS

28 October 2015

Providence City
15 South Main Street
Providence, UT 84332

The Cache County Council met on October 28, 2015 to consider your request for a Design Exception to allow municipal development to access a Cache County roadway. At this meeting the Council voted to approve your request with the condition as follows:

1. The annexation of the existing right-of-way by Providence City must be completed within 90 days of the date of the County Council's approval of the Design Exception (January 25, 2016).

If you have any questions, please feel free to contact this office at (435) 755-1640.

Sincerely,

Chris Harrild
Senior Planner

Resolution 045-2015

A RESOLUTION ADOPTING THE 2015 PRE-DISASTER MITIGATION PLAN; BEAR RIVER REGION

WHEREAS the Providence City Council recognizes the threat that natural hazards pose to people and property within Providence City; and

WHEREAS Providence City has participated in the creation of a multi-hazard mitigation plan, hereby known as the 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in Providence City from the impacts of future hazards and disasters; and

WHEREAS adoption by Providence City Council demonstrates their commitment to hazard mitigation and achieving the goals outlined in the 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION.

NOW THEREFORE, BE IT RESOLVED BY the Providence City Council that:

- In accordance with UCA § 10-7-717 Purpose of resolutions, which states, "*Unless otherwise required by law, the governing body may exercise all administrative powers by resolution . . .*", the Providence City Council adopts the 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION.
- This resolution shall become effective on the day it is adopted.

Passed by vote of the Providence City Council this 17 day of November, 2015.

Council Vote:

Bagley, Bill	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Baldwin, Jeff	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Call, Ralph	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Drew, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Russell, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

Providence City

Don W Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

Ordinance No. 2015-020

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 10 ZONING REGULATIONS, CHAPTER 8 AREA REGULATIONS AND PARKING REQUIREMENTS, SECTION 3 SETBACKS ALLOWING A COVERED PORCH TO EXTEND INTO THE FRONT YARD SETBACK

WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls . . .” and

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values in areas that may be considered sensitive, including but not limited to fire danger, slope, soil content.

- Providence City staff prepared the attached code amendment.
- Planning Commission studied the proposed amendment and held a public hearing on October 14, 2015, prior to making a recommendation.
- Providence City Planning Commission took the following action on October 14, 2015: *Motion to recommend the City Council accept the proposed changes to City Code Title 10 Zoning Regulations, Chapter 8 Area Regulations and Parking Requirements, Section 3 setbacks allowing a covered porch to extend into the front yard setback: K Allen, second – W Simmons*

Vote: Yea: K Allen, B Nielsen, L Raymond, W Simmons

Nay: None

Abstained: None

Excused: B Baker, H Hansen, R James

- The City Council considered the following:

Findings of Fact:

- Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
- UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in in this chapter.
- UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body a proposed land use ordinance and zoning map that represent the planning commission's recommendation.
- UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.

Conclusions of Law:

- The attached code amendment has been processed in accordance with the Findings of Fact listed above.

Conditions:

- None

1 THEREFORE be it ordained by the Providence City Council

- 2 • The attached code amendment shall be approved based on the findings of fact,
3 conclusions of law, and conditions listed above and the recommendation of the
4 Providence City Planning Commission.
5 • This ordinance shall become effective immediately upon passage and posting.
6

7 Ordinance adopted by vote of the Providence City Council this 17 day of November 2015.
8

9 Council Vote:

10
11 Bagley, Bill ()Yes ()No ()Excused ()Abstained ()Absent
12 Baldwin, Jeff ()Yes ()No ()Excused ()Abstained ()Absent
13 Call, Ralph ()Yes ()No ()Excused ()Abstained ()Absent
14 Drew, John ()Yes ()No ()Excused ()Abstained ()Absent
15 Russell, John ()Yes ()No ()Excused ()Abstained ()Absent
16

17 Signed by Mayor Don W Calderwood this day of November 2015.
18

19 Providence City
20

21 _____
22 Don W. Calderwood, Mayor
23

24 Attest:
25

26 _____
27 Skarlet Bankhead, Recorder
28

1 10-8-3: **SETBACKS:**

2
3 A. Front Yard:

- 4 1. The minimum required front yard for uses in each of the zoning districts shall be
5 in accordance with information provided on the space requirement chart shown
6 in Section 10-8-1 of this Chapter.
- 7 2. The front yard shall be measured from the property line to the front face of the
8 building, attached accessory building, accessory building, covered porch or
9 covered terrace. Steps, uncovered porches eaves and roof extensions may
10 project into the required front yard for a distance not to exceed four feet (4').
- 11 a. For existing homes, that do not meet the building code for entry landings:
- 12 i. A covered, unenclosed, entry may extend further than four feet (4') into
13 the required front yard; but shall not extend further than the minimum
14 to meet the requirements in the building code for entry landings.
- 15 ii. Ramps that are added to allow for ADA access may extend into the
16 required front yard; but shall not extend further than the minimum to
17 meet the grade and landing requirements for ADA access.
- 18 iii. A site plan shall be submitted for zoning approval.
- 19 3. Where a building line has been established by a plat or covenant and such line
20 requires a greater setback than is required by this Title, the building line
21 established by plat or covenant shall prevail.
- 22 4. Gasoline service station pump islands may not be located closer than fifty feet
23 (50') to the front property line (see subsection 10-8-6C7 of this Chapter.
- 24 5. A porch, stoop or stairs which are thirty inches (30") or greater in height shall be
25 regarded as part of the building. Such porch, stoop or stairs requires a railing of
26 not less than thirty inches (30") in height. This requirement applies to side and
27 rear yards as well.
- 28 6. In residential districts, accessory buildings may be placed no closer than twenty
29 five feet (25') to the property line, except in the SMH District which shall require
30 only twenty feet (20').
- 31
32